



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**March 5, 2018**

**9:30**

**Calendar No. 17-369:**

**3403 Denison Avenue**

**Ward 12**

**Anthony Brancatelli**

**25 Notices**

### WITHDRAWN BY THE APPELLANT

Jean Saad, owner, proposes to change use to a community store in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 337.08 which states that in a Multi-Family District a community store is not permitted but is first permitted in Local Retail District
2. Section 352.10 which states that a 6' wide landscape strip is required between Denison Ave. and W 34 St. where parking abuts the street and a 4' landscape strip proposed.
3. Section 352.10 which states that a 6' transition strip is required at the rear and side where the use abuts a Multi-Family Districts.
4. Section 359.01 which states that a substitution of nonconforming use requires BZA approval. (Filed December 15, 2017) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-15:**

**11813 Wade Park Ave.**

**Ward 9**

**Kevin Conwell**

**28 Notices**

B.R. Knez, owner, proposes to construct a 1,766 square foot, single family residence and detached garage on a 5,400 square foot lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(C) which states that no interior side yard shall be less than one-fourth the height of the building or in this case 8 feet and the appellant is proposing a five(5) foot side yard.
2. Section 341.02 which states that City Planning Review and Approval is required. (Filed January 16, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-16:**

**12010 Wade Park Ave.**

**Ward 9**

**Kevin Conwell**

**28 Notices**

B.R. Knez, owner, proposes to construct a 1,766 square foot, single family residence and detached garage on a 3,500 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(C) which states that no interior side yard shall be less than one-fourth the height of the building or in this case a 6.75 foot side yard is required and a five(5) foot side yard is proposed.
2. Section 341.02 which states that City Planning Review and Approval is required. (Filed January 16, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-17:**

**12012 Wade Park Ave.**

**Ward 9**

**Kevin Conwell**

**28 Notices**

B.R. Knez, owner, proposes to construct a 1,792 square foot, single family residence and detached garage on a 4,000 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(C) which states that no interior side yard shall be less than one-fourth the height of the building or in this case a 7.375 foot side yard is required and a five(5) foot side yard is proposed.
2. Section 341.02 which states that City Planning Review and Approval is required. (Filed January 16, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-18:**

**12016 Wade Park Ave.**

**Ward 9**

**Kevin Conwell**

**28 Notices**

B.R. Knez, owner, proposes to construct a 1,792 square foot, single family residence and detached garage on a 4,000 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(C) which states that no interior side yard shall be less than one-fourth the height of the building or in this case a 6.75 foot side yard is required and a five(5) foot side yard is proposed.
2. Section 341.02 which states that City Planning Review and Approval is required. (Filed January 16, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-19:**

**1520 E. 120 Street**

**Ward 9**

**Kevin Conwell**

**28 Notices**

B.R. Knez, owner, proposes to construct a 1,372 square foot, single family residence on a 3,000 square foot lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(C) which states that no interior side yard shall be less than one-fourth the height of the building or in this case an 8.75 foot side yard is required and a 5.5 foot side yard is proposed.

2. Section 355.04 which states that in a "C" area district the minimum lot width of 40 feet is required and a 30 foot lot width is proposed.
3. Section 341.02 which states that City Planning Review and Approval is required. (Filed January 16, 2018-No Testimony) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-20:**

**4899 Pearl Road**

**Ward 13**

**Kevin J. Kelley**

**21 Notices**

**WITHDRAWN BY THE APPELLANT**

Old Brooklyn Investments, owner, proposes to add motor vehicle sales facility to existing auto parts store and motor vehicle service garage in an A1 One Family District and a Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Sections 337.03 and 343.01 which state that Motor Vehicle sales facility is not permitted in a One Family Residential District or a Local Retail Business Districts but is first permitted in a General Retail Business District per Section 343.11(b)(2)(I)(4)
2. Section 352.12 which states that a landscaping plan showing details of plantings is required. (Filed January 16, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM.*

**9:30**

**Calendar No. 18-29:**

**11707 Cromwell Ave.**

**Ward 6**

**Blaine A. Griffin**

**25 Notices**

Cleveland Landbank, owner, and Home General Development LLC., propose to erect a 1,664 square foot single family residence and detached garage on a 4,640 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.09(b)(2)(B) which states that no interior side yard shall be less than one fourth the height of the building or in this case a minimum five foot side yard is required and a three foot side yard is proposed.
2. Section 357.13(b)(4) which states that the maximum permitted open porch encroachment is six feet and seven feet is proposed.
3. Section 341.02 which states that City planning review and approval is required. (Filed January 24, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM*

**9:30**

**Calendar No. 18-30:**

**11615 Cromwell Ave.**

**Ward 6**

**Blaine A. Griffin**

**25 Notices**

Cleveland Landbank, owner, and Home General Development LLC., propose to erect a 1,664 square foot single family residence and detached garage on a 4,720 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

4. Section 357.09(b)(2)(B) which states that no interior side yard shall be less than one fourth the height of the building or in this case a minimum five foot side yard is required and a three foot side yard is proposed.
5. Section 357.13(b)(4) which states that the maximum permitted open porch encroachment is six feet and seven feet is proposed.
6. Section 341.02 which states that City planning review and approval is required. (Filed January 24, 2018) *RESCHEDULED FROM FEBRUARY 20, 2018 DUE TO LACK OF QUORUM*

**9:30**

**Calendar No. 18-028:**

**5151 Pearl Road**

**Ward 13**

**Kevin J. Kelley**

**9 Notices**

O'Reilly Auto Enterprises, owner, proposes to construct a new retail store for sale of automobile parts and supplies and parking lot in a B3 Semi-Industrial District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(b) which states that off-street parking spaces shall be provided with bumper guards.
2. Section 347.07(c)(3) which states that the maximum width of a driveway shall be thirty (30) feet; proposed width is 36'. (Filed January 23, 2018)

**9:30**

**Calendar No. 18-32:**

**14529 Puritas Ave.**

**Ward 16**

**Brian Kazy**

**16 Notices**

Abdel Abukhalil, owner, proposes to add a drive-through window to existing pharmacy and add a parking lot in a C1 General Retail Business District. The owner appeals for relief from the strict application of Section 343.18(f) of the Cleveland Codified Ordinances which states that where there is a lot of land with frontage of not less than one hundred fifty (150) feet, a divided driveway may be permitted provided that the median strip between each roadway of the divided driveway shall be at least six feet in width and each roadway shall be not less than twenty four (24) feet in width nor more than thirty (30) feet in width provided that the total width of any divided driveway shall not exceed sixty-six (66) feet in width. (Filed January 24, 2018)

**9:30**

**Calendar No. 18-34:**

**1970 Carter Road**

**Ward 3**

**Kerry McCormack**

**45 Notices**

Carter Peninsula Inc., owner, proposed to add concrete and rock crushing use to material storage yard in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 327.02(a) which states that before any permit or certificate of occupancy is issued application and plans for the use shall be examined for compliance with the zoning code. Site plan showing all features of property including area of pavement, type and height of any fencing, scaled dimensions, areas where use will occur and where other uses are occurring, driveways, property lines, and other features of the property that will allow complete review

for compliance with Zoning Code is required; site plan submitted does not contain site features, a scale, dimensions, areas of use, or any other information and is not reviewable.

2. Section 345.04(b)(15) which states that Rock and concrete crushing is permitted only as an accessory use in a General Industry District, and only if approved by the Board of Zoning Appeals through a Special Permit as set forth in Section 345.04(c)
3. Section 341.02 which states that the parcel upon which proposed use will occur is in a Design Review District therefore approval of the City Planning Commission is required. (filed January 30, 2018)

**9:30**

**Calendar No. 18-35:**

**1956 East 79 Street**

**Ward 7**

**Basheer S. Jones**

**9 Notices**

Abdel Abukhalil, owner, proposes to erect a two story medical office and retail pharmacy building in an MMUD1 district. The owner appeals for relief from the strict application of Section 344.07 which states that a building in the MMUD 1 District has a minimum height requirement of 3 occupied stories; proposed building is 2 stories.(Filed January 24, 2018)

**9:30**

**Calendar No. 18-40:**

**7210 Memphis Ave.**

**Ward 13**

**Kevin J. Kelley**

**24 Notices**

Mosha Inc., owner, proposes exterior alterations to retail store/gas station in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states that in Local Retail Business District a fence in the interior side yard cannot exceed six feet: proposed fence wall is approx. 6'8" in height.
2. Section 358.03(a) which states that no portion of a fence located within thirty (30) feet of the intersection of two (2) street right of way lines shall exceed two and one-half (2 1/2) feet in height, unless all portions of the fence above two and one half (2 1/2) feet in height are at least seventy five percent (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present. Proposed fence/wall parallel to driveway does not meet height and opacity requirements. (Filed February 9, 2018)

**9:30**

**Calendar No. 18-42:**

**3577 Rockport Ave.**

**Ward 17**

**Martin J. Keane**

**12 Notices**

Gerald & Christina Kensick, owner, propose to construct a one family house with attached garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 355.04 (b) which states that the minimum street frontage required is 30 feet and the appellant is proposing 28.72 feet.(Filed February 12, 2018)

**POSTPONED FROM JANUARY 16, 2018**

**9:30**

**Calendar No. 17-326:**

**2632 E. 115 St./Violation  
Notice**

**Ward 6  
Blaine A. Griffin**

The Meeting Place Learning Center, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V 17036361 issued on September 29, 2017 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed October 27, 2017-NO Testimony). *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**POSTPONED FROM JANUARY 16, 2018**

**9:30**

**Calendar No. 17-327:**

**2633 E. 115 St./Violation  
Notice**

**Ward 6  
Blaine A. Griffin**

The Meeting Place Church Inc., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V 17036092 issued on September 28, 2017 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing. (Filed October 27, 2017-No Testimony). *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**POSTPONED FROM JANUARY 2, 2018**

**9:30**

**Calendar No. 17-362:**

**9803-05 Lake Road**

**Ward 15  
Matt Zone  
17 Notices**

**WITHDRAWN BY THE APPELLANT**

9803 Lake Avenue LLC., owner, proposes to change use from a two dwelling unit house to a Bed and Breakfast/Boarding House in an A1 One Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02(a) which states that a Bed & Breakfast/Boarding House (Multiple Dwelling, Class B per Zoning Code section 325.51) is not permitted in a One Family Residential zoning district first permitted in a Multi-Family residential District.
2. Section 359.01(a) which states that no change of a nonconforming use to anything other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. (Filed December 4, 2017-No Testimony) **FIRST POSTPONEMENT MADE AT**

THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR CITY PLANNING TO CONDUCT A PUBLIC MEETING

**POSTPONED FROM JANUARY 29, 2018**

**9:30**

**Calendar No. 17-374:**

**16900 Lorain Ave.**

**Ward 17**

**Martin J. Keane**

**29 Notices**

Kamcor Realty, owner, and Brittany Bosch, prospective tenant, propose to establish tattooing use in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 343.01(b) which states that a Tattooing establishment is not permitted in a Local Retail Business District but is first permitted in a General Retail Business District per section 343.11(b)(2)(P), and even when in the district must be at least 1,000 feet from a residential district per section 347.12.(b)(2), and from another tattooing establishment per section 347.12(b)(3). The proposed use abuts a residential district and is within 1,000 feet of another tattoo use application seeking a zoning variance at 17134 Lorain Ave. (Filed December 18, 2017-No Testimony) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH THE COUNCILMAN.

**POSTPONED FROM FEBRUARY 5, 2018**

**9:30**

**Calendar No. 18-005:**

**506 Marquardt Ave.**

**Ward 3**

**Kerry McCormack**

**20 Notices**

Cleveland Bricks, owner, proposes to erect a 2,722.5 square foot, three story, 32 feet tall single family townhouse on a 1,960 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 355.04 which states that in a "B" Area District the maximum gross floor area is limited to ½ the lot size and a 4,800 square foot lot is required.
2. Section 357.09(a) which states that the interior side yard must be equal to ¼ the height of the main building, and no building may be within 10 feet of another main building on abutting residential lot and no interior side yard is proposed.
3. Section 357.08(b) which states that a rear yard in the amount of the height of the building is required and approximately 16 feet are provided. (Filed January 8, 2018)

**9:30**

**Calendar No. 18-006:**

**508 Marquardt Ave.**

**Ward 3**

**Kerry McCormack**

**20 Notices**

Cleveland Bricks, owner, proposes to erect a 2,032.3 square foot, three story, 32 feet tall single family townhouse on a 1,274 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 355.04 which states that in a "B" Area District the maximum gross floor area is limited to ½ the lot size and a 4,800 square foot lot is required. This section also states that a minimum lot width of 40 feet is required.
2. Section 357.09(a) which states that the interior side yard must be equal to ¼ the height of the main building, and no building may be within 10 feet of another main building on abutting residential lot and no interior side yard is proposed.
3. Section 357.08(b) which states that a rear yard in the amount of the height of the building is required and approximately 16 feet are provided. (Filed January 8, 2018)

**9:30**

**Calendar No. 18-007:**

**510 Marquardt Ave.**

**Ward 3**

**Kerry McCormack**

**20 Notices**

Cleveland Bricks, owner, proposes to erect a 2,032.3 square foot, three story, 32 feet tall single family townhouse on a 1,274 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 355.04 which states that in a "B" Area District the maximum gross floor area is limited to ½ the lot size and a 4,800 square foot lot is required. This section also states that a minimum lot width of 40 feet is required.
2. Section 357.09(a) which states that the interior side yard must be equal to ¼ the height of the main building, and no building may be within 10 feet of another main building on abutting residential lot and no interior side yard is proposed.
3. Section 357.08(b) which states that a rear yard in the amount of the height of the building is required and approximately 16 feet are provided. (Filed January 8, 2018)

**9:30**

**Calendar No. 18-008:**

**512 Marquardt Ave.**

**Ward 3**

**Kerry McCormack**

**20 Notices**

Cleveland Bricks, owner, proposes to erect a 2,536 square foot, three story, 32 feet tall single family townhouse on a 1,715 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 355.04 which states that in a "B" Area District the maximum gross floor area is limited to ½ the lot size and a 4,800 square foot lot is required. This section also states that a minimum lot width of 40 feet is required.
2. Section 357.09(a) which states that the interior side yard must be equal to ¼ the height of the main building, and no building may be within 10 feet of another main building on abutting residential lot; side yards equaling zero feet and 5 feet are proposed.
3. Section 357.08(b) which states that a rear yard in the amount of the height of the building is required and approximately 16 feet are provided. (Filed January 8, 2018)



**9:30**

**Calendar No. 18-009:**

**514 Marquardt Ave.**

**Ward 3**

**Kerry McCormack**

**20 Notices**

Cleveland Bricks, owner, proposes to erect a 2,155.5 square foot, three story, 32 feet tall single family townhouse on a 1,372 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 355.04 which states that in a "B" Area District the maximum gross floor area is limited to ½ the lot size and a 4,800 square foot lot is required. This section also states that a minimum lot width of 40 feet is required and that a minimum street frontage of 25 feet is required; no street frontage proposed.
2. Section 357.09(a) which states that the interior side yard must be equal to ¼ the height of the main building and 3 foot interior side yards are proposed.
3. Section 357.08(b) which states that a rear yard in the amount of the height of the building is required and approximately 10 feet are provided. (Filed January 8, 2018-No Testimony) FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR COMMUNITY REVIEW